



OFFICE OF THE STAFF JUDGE ADVOCATE
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Social Security Disability Benefits for Soldiers

Service members who are injured while on active duty on or after October 1, 2001, may be entitled to disability benefits through the Social Security disability insurance program.

Eligibility

To be entitled to benefits through Social Security, an applicant must be totally disabled. Social Security defines “disabled” as:

- (1) unable to perform any substantial gainful activity
- (2) because of a physical or mental condition which is medically determinable and,
- (3) the medical condition must have lasted, or be expected to last, at least one year or be expected to result in death.

Social Security does not give benefits to people with only partial or short-term disabilities. An applicant must also be insured, meaning he or she has worked a minimum amount of time and paid Social Security taxes. An applicant who meets the criteria must complete a 5-month waiting period before benefits begin.

Receiving Benefits While on Active Duty Status

A disabled service member may be entitled to benefits while on active duty status and receiving military pay. Entitlement to benefits turns on what kind of work activities the service member is able to perform, not on the amount of pay he or she actually receives. The Disability Determination Services office reviews the applications and will apply a fair market value to the work the service member is currently performing. If that value is over a certain threshold, the service member will not be entitled to benefits.

Application

Apply online at www.socialsecurity.gov/woundedwarriors, by phone, or in person at the local Social Security office. The processing time is accelerated for applications of service members, so make sure to give notice that the injury occurred while on active duty. Processing time will vary depending on how long it takes to obtain medical evidence, the nature of the disability, and whether it is necessary to obtain any further medical examination. The initial application process is relatively simple and does not require legal assistance.

Applicants need information and documentation about their age, employment, proof of citizenship, Social Security coverage and information regarding all impairments and related treatment. Specifically, have the following documents available when applying:

1. Original or certified copy of Birth Certificate or proof of U.S. citizenship
2. DD 214 – if discharged
3. W-2 or Income Tax Return for the previous year
4. Proof of Military Pay (LES) or Workers Compensation
5. Social Security numbers of spouse and minor children
6. Checking or Savings account numbers
7. Military records that you have or can easily obtain
8. Employment address and phone numbers
9. Doctor's names and addresses
10. Education information: school's names, addresses and phone numbers
11. Name, address and phone number of a contact person, if you are unavailable

A denied application may be appealed up to four times. (1) a resubmission and reconsideration of the same application by the same office; (2) a hearing before an Administrative Law Judge; (3) an Appeals Council Review; and (4) Federal Court.

More Information

More information is available from the Social Security Administration at www.socialsecurity.gov or by calling 1-800-772-1213. For Kentucky residents, free services and further assistance with filling out applications are available at the local Hopkinsville and Oak Grove Social Security offices. Tennessee residents may visit the Clarksville office. You may also contact the Fort Campbell Client Services Office for further information.